

AMENDED IN SENATE AUGUST 15, 2016

AMENDED IN SENATE JUNE 20, 2016

AMENDED IN ASSEMBLY APRIL 7, 2016

AMENDED IN ASSEMBLY MARCH 30, 2016

AMENDED IN ASSEMBLY MARCH 10, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1887**

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**Introduced by Assembly Member Low**  
**(Coauthors: Assembly Members Bloom, Chiu, and Ting)**  
~~(Coauthor: Senator Hall)~~*Coauthors: Senators Galgiani, Hall, and*  
*McGuire)*

February 11, 2016

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An act to add Section 11139.8 to the Government Code, relating to discrimination.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1887, as amended, Low. State government: discrimination: travel.

Existing law prohibits discrimination on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability under any state program or activity. Existing law provides for officers and employees of the state, when away from their headquarters for state business, to receive travel expenses.

This bill would prohibit a state agency and the Legislature from requiring any of its employees, officers, or members to travel to, or approving a request for state-funded or state-sponsored travel to, any

state that, after June 26, 2015, has enacted a law that voids or repeals, or has the effect of voiding or repealing, existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression or has enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, as specified, subject to certain exceptions. The bill would require the Attorney General to develop, maintain, and post on his or her Internet Web site a current list of states that, after June 26, 2015, have enacted such a law. The bill would make it the responsibility of specified state entities to consult the list in order to comply with the travel and funding restrictions imposed by the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 11139.8 is added to the Government  
2     Code, to read:  
3     11139.8. (a) The Legislature finds and declares all of the  
4     following:  
5     (1) California is a leader in protecting civil rights and preventing  
6     discrimination.  
7     (2) California's robust nondiscrimination laws include  
8     protections on the basis of sexual orientation, gender identity, and  
9     gender expression, among other characteristics.  
10    (3) Religious freedom is a cornerstone of law and public policy  
11    in the United States, and the Legislature strongly supports and  
12    affirms this important freedom.  
13    (4) The exercise of religious freedom should not be a  
14    justification for discrimination.  
15    (5) California must take action to avoid supporting or financing  
16    discrimination against lesbian, gay, bisexual, and transgender  
17    people.  
18    (6) It is the policy of the State of California to promote fairness  
19    and equality and to combat discrimination.  
20    (b) A state agency, department, board, authority, or commission,  
21    including an agency, department, board, authority, or commission  
22    of the University of California, the Board of Regents of the

1 University of California, or the California State University, and  
2 the Legislature shall not do either of the following:

3 (1) Require any of its employees, officers, or members to travel  
4 to a state that, after June 26, 2015, has enacted a law that voids or  
5 repeals, or has the effect of voiding or repealing, existing state or  
6 local protections against discrimination on the basis of sexual  
7 orientation, gender identity, or gender expression or has enacted  
8 a law that authorizes or requires discrimination against same-sex  
9 couples or their families or on the basis of sexual orientation,  
10 gender identity, or gender expression, including any law that  
11 creates an exemption to antidiscrimination laws in order to permit  
12 discrimination against same-sex couples or their families or on the  
13 basis of sexual orientation, gender identity, or gender expression.

14 (2) Approve a request for state-funded or state-sponsored travel  
15 to a state that, after June 26, 2015, has enacted a law that voids or  
16 repeals, or has the effect of voiding or repealing, existing state or  
17 local protections against discrimination on the basis of sexual  
18 orientation, gender identity, or gender expression, or has enacted  
19 a law that authorizes or requires discrimination against same-sex  
20 couples or their families or on the basis of sexual orientation,  
21 gender identity, or gender expression, including any law that  
22 creates an exemption to antidiscrimination laws in order to permit  
23 discrimination against same-sex couples or their families or on the  
24 basis of sexual orientation, gender identity, or gender expression.

25 (c) Subdivision (b) shall not apply to travel that is ~~necessary for~~  
26 ~~the enforcement of California law, to meet contractual obligations~~  
27 ~~incurred before January 1, 2017, or for the protection of public~~  
28 ~~health, welfare, or safety, as determined by the affected agency,~~  
29 ~~department, board, authority, or commission, or the affected~~  
30 ~~legislative office, as described in subdivision (b).~~ *required for any*  
31 *of the following purposes:*

32 (1) *Enforcement of California law, including auditing and*  
33 *revenue collection.*

34 (2) *Litigation.*

35 (3) *To meet contractual obligations incurred before January 1,*  
36 *2017.*

37 (4) *To comply with requests by the federal government to appear*  
38 *before committees.*

39 (5) *To participate in meetings or training required by a grant*  
40 *or required to maintain grant funding.*

1     (6) *To complete job-required training necessary to maintain*  
2     *licensure or similar standards required for holding a position, in*  
3     *the event that comparable training cannot be obtained in California*  
4     *or a different state not affected by subdivision (b).*

5     (7) *For the protection of public health, welfare, or safety, as*  
6     *determined by the affected agency, department, board, authority,*  
7     *or commission, or by the affected legislative office, as described*  
8     *in subdivision (b).*

9     (d) The prohibition on state-funded travel described in this  
10    section shall continue while any law specified in subdivision (b)  
11    remains in effect.

12    (e) (1) The Attorney General shall develop, maintain, and post  
13    on his or her Internet Web site a current list of states that, after  
14    June 26, 2015, have enacted a law that voids or repeals, or has the  
15    effect of voiding or repealing, an existing state or local protection  
16    against discrimination on the basis of sexual orientation, gender  
17    identity, or gender expression, or have enacted a law that authorizes  
18    or requires discrimination against same-sex couples or their  
19    families or on the basis of sexual orientation, gender identity, or  
20    gender expression, including any law that creates an exemption to  
21    antidiscrimination laws in order to permit discrimination against  
22    same-sex couples or their families or on the basis of sexual  
23    orientation, gender identity, or gender expression.

24    (2) It shall be the responsibility of an agency, department, board,  
25    authority, or commission described in subdivision (b) to consult  
26    the list on the Internet Web site of the Attorney General in order  
27    to comply with the travel and funding restrictions imposed by this  
28    section.